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October 12, 2012

**VIA ECF**

The Honorable Steven M. Gold  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**RE: Katzoff v. Integrity**  
**12 CV 3242 (WFK) (SMG)**

Dear Magistrate Judge Gold:

I represent the plaintiff in the above matter. Please be advised that the matter just settled after a lengthy email exchange with defendant's outside counsel. I have been provided with a draft settlement agreement. I apologize that we did not appear for the initial conference. While I attributed certain shortcomings to an educational program, I believe due to the increase of case filings, I have not taken enough additional steps to ensure that all conferences and deadlines are properly recorded. It is a shame because I spent last Friday and Sunday during the holiday to just work on managing my calendar. I unfortunately did not have the conference in my diary.

I want to ensure the Court that there it is never an intentional act to simply not appear for a conference. As Your Honor is aware, even though I at times have quite a few court appearances, I appear for each personally even though I have been encouraged to hire an associate to appear instead, and I am personally involved in every matter.

I have in my diary to appear on October 22, 2012 at 5:00 p.m.

Thank you for the Court's consideration of the foregoing.

Yours faithfully,

/s/

Adam J. Fishbein

Cc: Mark Krassner, Esq.